

## Message Text

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17

ORIGIN TRSE-00

INFO OCT-01 EUR-12 ISO-00 EB-07 SS-15 SP-02 L-03 SNM-02

SCA-01 CPR-01 /044 R

DRAFTED BY CUSTOMS:HVOLENICK:RAC

APPROVED BY EB/OT/STA:WCLARK,JR.

EB/OT/STA:MNAYOR

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R 231911Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY VIENNA

INFO AMEMBASSY BONN

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E.O. 11652:N/A

TAGS:PFOR/SZ

SUBJECT: DRAFT MUTUAL ASSISTANCE AGREEMENT BETWEEN THE  
- UNITED STATES AND AUSTRIAN CUSTOMS SERVICES

REF: VIENNA 05226

1. DR. KARL FUCHS, AUSTRIAN CUSTOMS ADMINISTRATION, HAS REQUESTED CLARIFICATION AS TO THE MEANING OF "LIQUIDATED DAMAGES" UNDER ARTICLE 2(2) C OF THE SUBJECT DRAFT AGREEMENT. THE U.S. CUSTOMS SERVICE HAS FURNISHED THE FOLLOWING INFORMATION WHICH THE EMBASSY IS REQUESTED TO PASS ON TO THE AUSTRIANS.

2. FINES, PENALTIES, AND FORFEITURES: THE UNITED STATES HAS MANY STATUTES WHICH ALLOW THE ENFORCEMENT OF CUSTOMS LAWS BY MEANS OF CIVIL OR ADMINISTRATIVE SANCTIONS INSTEAD OF CRIMINAL PROCEEDINGS. THESE LAWS DEAL PRIMARILY WITH THE IMPROPER INTRODUCTION OF MERCHANDISE INTO THE CUSTOMS TERRITORY OF THE UNITED STATES OR THE IMPROPER ENTRY OF A  
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VEHICLE, VESSEL, OR AIRCRAFT. THEY USUALLY INVOLVE THE

SEIZURE AND CONFISCATION (FORFEITURE) OF THE MERCHANDISE OR CONVEYANCE, OR A MONETARY ASSESSMENT (A FINE OR PENALTY) EQUIVALENT TO THE VALUE OF THE MERCHANDISE OR BOTH. THE WORDS "FINES" AND "PENALTIES" ARE, FOR

PRACTICAL PURPOSES, USED INTERCHANGEABLY AND REFER IN THE CONTEXT OF ARTICLE 2, (2) (C) TO CIVIL OR ADMINISTRATIVE ASSESSMENTS ONLY.

3. LIQUIDATED DAMAGES: LIQUIDATED DAMAGES STEM FROM CONTRACTUAL OBLIGATIONS AND ARE MONETARY ASSESSMENTS PROVIDED FOR BY THE TERMS OF CUSTOMS BONDS THAT GUARANTEE THE PERFORMANCE OF SPECIFIED ACTS. THE FAILURE TO PERFORM A SPECIFIC ACT MAKES THE SIGNER(S) OF THE BOND LIABLE FOR THE SUM STATED. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEETING AGENDA, TARIFF AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 23 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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**Drafter:** HVOLENICK:RAC  
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**Executive Order:** N/A  
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**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 08 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <08 APR 2003 by BoyleJA>; APPROVED <22 SEP 2003 by CunninFX>  
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Margaret P. Grafeld  
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**Review Release Date:** n/a  
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**Review Transfer Date:**  
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**TAGS:** PFOR, SZ, US  
**To:** VIENNA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006